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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,502	05/23/2001	Gerhard Dittrich		7223

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EXAMINER
SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-26* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☒ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

This communication is in response to the Applicant's amendment filed 10 May

2004. Claims 1-7 have been canceled. Claim 26 is newly added. Claims 8-26 are

pending in this case.

Priority

1.   Acknowledgment is made of applicant's claim for foreign priority based on an

application filed in Germany on 16 August 2000. It is noted, however, that applicant has

not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Response to Arguments

2.   Applicant's arguments filed 10 may 2004 have been fully considered but they are

not persuasive. Applicant argues with respect to claim 8 that Carrier does not disclose

sensors, field sensors or use of invention with end users. Attention is respectfully

directed to page 3 lines 40-54.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 8-26 are rejected under 35 U.S.C. 102 (a) as being anticipated by Carrier

Corporation (EP 0 883 048 A1).

5.   Regarding claims 8 and 26 –

Carrier Corp. discloses a method for providing and selling measured values for end customers, comprising the steps of recording a measured value for a process variable using a sensor S1, S2, S3; counting the number of transmission operations; and calculating the costs for the end customer on the basis of the number of the transmission operations (pg 3 ln 40-54).

6.   Regarding claim 9 –

Carrier discloses the method as defined in claim 8, wherein the data transmission between sensor S 1, S2, S3 and the process control system PLS takes place in line-conducted fashion, using, for example, a data bus system DBS pg 3 ln 55 – pg 4 ln 5).

7.   Regarding claim 10 –

Carrier discloses the method as defined in claim 8, wherein the data transmission between sensors S1, S2, S3 and the process control system PLS takes place by radio (pg 4 ln 12-19).

8.   Regarding claim 11 –

Carrier discloses the method as defined in claim 8, wherein the number A is stored in the sensor S1, S2, S3 (pg 4 ln 27-31).

9.   Regarding claim 12 –

Carrier discloses the method as defined in claim 9, wherein the number A is stored in the sensor S1, S2, S3 (pg 4 ln 27-31).

10.   Regarding claim 13 –

Carrier discloses the method as defined in claim 10, wherein the number A is stored in the sensor S I, S2, S3 (pg 4 ln 27-31).

11.   Regarding claim 14 –

Carrier discloses the method as defined in claim 8, wherein the number A is stored in

the process control system PLS (pg 4 ln 22-26).

12.   Regarding claim 15 –

Carrier discloses the method as defined in claim 9, wherein the number A is stored in

the process control system PLS (pg 4 ln 22-26).

13.   Regarding claim 16 –

Carrier discloses the method as defined in claim 8, wherein the measured values are

transmitted over the internet from the sensor S1, S2, S3 to a database at the field

transmitter manufacturer, to which data base the end customer likewise has access

over the internet, and wherein the number of database access operations by the end

customer to this database is counted (pg 10 ln 28-51).

14.   Regarding claim 17 –

Carrier discloses the method as defined in claim 9, wherein the measured values are

transmitted over the internet from the sensor S 1, S2, S3 to a database at the field

transmitter manufacturer, to which database the end customer likewise has access over

the internet, and wherein the number of database access operations by the end

customer to this database is counted (pg 4 ln 42-50).

15.   Regarding claim 18 –

Carrier discloses the method as defined in claim 10, wherein the measured values are

transmitted over the internet from the sensor S1, S2, S3 to a database at the field

transmitter manufacturer, to which database the end customer likewise has access over

the internet, and wherein the number of database access operations by the end

customer to this database is counted (pg 4 ln 51-56).

16.   Regarding claim 19 –

Carrier discloses the method as defined in claim 11, wherein the measured values are

transmitted over the internet from the sensor S1, S2, S3 to a database at the field

transmitter manufacturer, to which database the end customer likewise has access over

the internet, and wherein the number of database access operations by the end

customer to this database is counted (pg 4 ln 42-50).

17.   Regarding claim 20 –

Carrier discloses the method as defined in claim 12, wherein the measured values are

transmitted over the internet from the sensor S1, S2, S3 to a database at the field

transmitter manufacturer, to which database the end customer likewise has access over

the internet, and wherein the number of database access operations by the end

customer to this database is counted (pg 4 ln 42-50).

18.   Regarding claim 21 –

Carrier discloses the method as described in claim 8, wherein the measured values are

transmitted by radio from the sensor S1, S2, S3 to a database at the field transmitter

manufacturer, to which database the end customer likewise has access over the

internet, and wherein the number of database access operations by the end customer to

this database is counted (pg 4 ln 42-50).

19.   Regarding claim 22 –

Carrier discloses the method as defined in claim 9, wherein the measured values are transmitted by radio from the sensor S1, S2, S3 to a database at the field transmitter manufacturer, to which database the end customer likewise has access over the internet, and wherein the number of database access operations by the end customer to this database is counted (pg 4 ln 51-56).

20.   Regarding claim 23 –

Carrier discloses the method as defined in claim 10, wherein the measured values are transmitted by radio from the sensor S1, S2, S3 to a database at the field transmitter manufacturer, to which database the end customer likewise has access over the internet, and wherein the number of database access operations by the end customer to this database is counted (pg 4 ln 51-56).

21.   Regarding claim 24 –

Carrier discloses the method as defined in claim 11, wherein the measured values are transmitted by radio from the sensor S1, S2, S3 to a database at the field transmitter manufacturer, to which database the end customer likewise has access over the internet, and wherein the number of database access operations by the end customer to this database is counted (pg 4 ln 51-56).

22.   Regarding claim 25 –

Carrier discloses the method as defined in claim 12, wherein the measured values are transmitted by radio from the sensor S1, S2, S3 to a database at the field transmitter manufacturer, to which database the end customer likewise has access over the

internet, and wherein the number of database access operations by the end customer to

this database is counted (pg 4 ln 51-56).

23.   Examiner's note: Examiner has cited particular columns and line numbers in

the references as applied to the claims above the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may be applied as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Conclusion

24.   Prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

25.   Tepcon Engineering (EP 0 808 206 B1) discloses a process and device for cost-

oriented operation of a conditioning device, particularly a filter.

26.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

27.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cristina O Sherr whose telephone number is 703-305-

0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 703-305-9768. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

30. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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